

**Agenda for
City Council Members' "NOON" Meeting
Monday, October 23, 2000
Immediately Following Director's Meeting
Conference Room 113**

I. MINUTES

1. Director's Minutes for October 16, 2000.
2. Minutes of "Noon" Council Members' Meeting for October 16, 2000.
3. Director's Minutes for October 2, 2000.
4. Pre-Council Meeting Minutes - RE: Sidewalks - October 9, 2000.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

1. Board Of Health (Johnson) - MS. JOHNSON ABSENT - HELD OVER FROM THE "NOON" AGENDA FOR OCTOBER 16TH.
2. Duplex Licensing Task Force Meeting (Johnson/McRoy)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS

1. Memo from Jennifer Brinkman - RE: Boards and Commissions Upcoming Appointments (See Memo).

IV. MEETINGS/INVITATIONS

1. The University of Nebraska College of Business Administration and Woodmen Accident and Life Company cordially invite you to attend the Twenty-Second Annual Address of the E.J. Faulkner Lecture Series presented by Mr. Carlos M. Gutierrez, Chairman and Chief Executive Officer of Kellogg Company - "Doing Business in a Global Economy" - University of Nebraska Student Union Auditorium, 13th & R Streets - University of Nebraska-Lincoln on Wednesday, November 1, 2000 at 10:30 a.m. - Luncheon following - RSVP by October 30, 2000 - (SEE INVITATION & ENCLOSED RSVP CARD).

2. You and your guest are invited to attend the champagne reception and special premiere showing of First Federal Lincoln Bank's - Newly Remodeled Downtown Office - On Thursday, October 26, 2000 from 5:30 p.m. to 7:30 p.m. at 1235 "N" Street - Ribbon Cutting Ceremony at 6:00 p.m. - Free parking available at 1221 N Garage (entrance on 12th Street) (See Invitation).
3. You are cordially invited to attend a reception celebrating the beginning of the "Safe Water Tomorrow Through Pollution Prevention Today" project. On Thursday, October 19, 2000 at Norris High School at 2:00 p.m. - Sponsored by Norris FFA - RSVP to 791-0010 ex. 335 - Please join them for refreshments from 2:00 p.m. to 4:00 p.m. to help kick-off this worthwhile project - Enter through the West Entrance and follow the signs (See Invitation).
4. The Idea Exchange - Sponsored by the Lincoln/Lancaster County Planning Department - October Speaker - Bill Lennertz, Lennertz-Coyle & Associates on "New Urbanism: The Urban & Rural Region" - On Wednesday, October 25th at the Cornhusker Hotel from 7:00 p.m. to 9:00 p.m. - (See Invitation).
5. State Of Nebraska - Department of Roads - Notice of Public Information Meeting on Wednesday, November 8, 2000 from 4:00 p.m. to 7:00 p.m. - At Yoakum Resource Center-Lincoln - RE: Project No. STPD-34-6 (133) Control No. 12425 Also Known As: Lincoln West (See Letter).

V. COUNCIL MEMBERS

VI. REQUESTS OF COUNCIL FROM MAYOR - NONE

VII. MISCELLANEOUS - NONE

III. ADJOURNMENT

Minutes
City Council Members' "NOON" Meeting
Monday, October 23, 2000
Conference Room 113

Council Members Present: Jerry Shoecraft, Chair; Jeff Fortenberry, Vice-Chair; Jon Camp, Jonathan Cook, Cindy Johnson, Annette McRoy., Coleen Seng; **ABSENT:** None.

Others Present: Ann Harrell, Mark Bowen, Mayor's Office; Dana Roper, City Attorney; Joan Ray, Council Secretary; Chris Hain, *Journal Star* representative.

I. MINUTES

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Mr. Shoecraft, Council Chair, requested a motion to approve the above-listed minutes. Cindy Johnson moved approval of the minutes as presented. The motion was seconded by Coleen Seng, and the minutes were approved, as presented, by the following vote: **AYES:** Jonathan Cook, Cindy Johnson. Jerry Shoecraft, Jeff Fortenberry, Coleen Seng, **NAYS:** None. **ABSENT FOR VOTE:** Jon Camp, Annette McRoy.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

1. **BOARD OF HEALTH (Johnson)** - Held over from the "Noon" Agenda Of October 16th. - Ms. Johnson reported that basically it had been a short meeting where there were some issues discussed including a clean indoor air ordinance that will ban smoking in all public places and private places....so this will be very, very controversial.

She noted that a lot of time had been spent discussing that issue, because the first thing they wanted to know is if Ms. Johnson thought it would be controversial. She answered them by pointing out that first we've told the public that they have to put clothes on people they didn't want clothed, and now we're telling them that they can't smoke while they're there....so she had indicated to the Board that she felt it *would* be controversial. She commented to Council that that legislation will be coming forward soon, probably after the first of the year

Mr. Fortenberry asked, somewhat incredulously, if it would be? Mr. Shoecraft asked if it was to cover even private places? Ms. Johnson indicated that it would and added that the Restaurant Association will be going back to meetings and talking to the restaurant people, but this is not going to be supported by the Restaurant Association. So, it'll be very controversial.

Mr. Fortenberry asked if he could speak frankly, wondering if there were a way to head this off? Ms. Johnson answered that, to be honest with Council, what she basically had done was to send an e-mail requesting them to reconsider this idea, pointing out to them that this would be brought up during campaign time. She felt it wasn't really wise to not have a positive feed-back on this. She noted that she hadn't received a response yet, so she was unsure of where this would go. But, she added, there is a strategic planning meeting and she will report on that at the next "Noon" meeting. She explained that it has to go before the Health Board and she will not be voting on it. When an issue will be eventually coming before Council for a vote, she refrains from voting on the issue at the Health Board meetings. Ms. Johnson requested Ms. Ray to put that meeting on the next "Noon" Agenda for a report.

Mr. Fortenberry asked who was pushing for this? Ms. Johnson answered that it was the Health Department. She noted that this has been done in California. It's something that everyone in the Health Community is trying to get their local communities to do. Mr. Shoecraft asked then if Ms. Johnson's whole re-election campaign could be focused on this.

Ms. Johnson continued her report, stating that there had also been a very interesting conversation with one of the new board members who had asked about restaurants that may have received citations for violations, over residences that had been cited for health violations and they weren't publicly posted as to who they were and the locations. The group got pretty worked up believing that names of violators should be published, and then do a "shame on you" public pressure against them. The group finally realized, after lengthy discussion, that there were some people who have mental health issues at some residences and the last thing we would want to do is tell their neighbors those things which would only further isolate or cause rejection in their neighborhoods. So, it was agreed that the names would not be published. That was, basically, all there was.

2. DUPLEX LICENSING TASK FORCE (Johnson/McRoy) Ms. Johnson reported that it was mostly just informational, noting that tomorrow's meeting would have discussion about the actual Tenant Act. This discussion will help so those of us around the table can understand it more fully. We're just having statistics thrown at

us and everyone is debating statistics right now. Ms. Johnson wanted to find out exactly what the Task Force wants to do. Are we wanting to take care of tenant fear - which is what Ms. Johnson felt was the ultimate goal. She wondered, if this were not the case, was the Task Force trying to improve health standards; what are we actually trying to do. She noted that the court proceedings were discussed and the time lines it takes in court. Basically, right now, the Task Force is gathering information.

OTHER MEETINGS REPORTS: - None

III. APPOINTMENTS/REAPPOINTMENTS - Noted Without Comment

IV. MEETINGS/INVITATIONS - Noted Without Comment

V. COUNCIL MEMBERS

JONATHAN COOK - Mr. Cook asked Ms. Johnson a question about her comments on tenant "fear". He asked if that was fear the tenants have that if they report something that there will be some retribution from the landlord? Ms. Johnson answered that was one aspect of the issue, plus the tenants' lack of understanding of what rights they have. She stated that this was her take on the situation...that is what she was thinking. She further commented that even if they did know what their legal rights were, that they wouldn't think they could afford to pay to have an attorney represent them. These and other issues may need to be identified. She reiterated that she wanted to be able to set specific goals for the Task Force so that what we're doing can be judged as effective or not....we need something by which to measure the effectiveness of our actions.

Ms. McRoy stated that the City needed to find a suitable course of action to take, something that can be done to address this issue.

Mr. Cook stated that if this is going to be funded by the industry itself, then we have some angle - fees that pays for a certain number of inspections or the inspectors are paid for by the fines or fees. It's hard to predict how much money would be brought in from fees. So, he wasn't sure how that would affect things. He noted that the best thing in the world would be if there never were any complaints and no inspections were needed.

Ms. Johnson again stated that the goals have to be set out. She covered some of the problems in enforcement and asked what the inspectors would be looking for, specifically. She felt some clear cut ideas of what it is we're investigating need to be presented.

Mr. Cook thought some kind of compromise that treats all rentals equally from single family on up, rather than categorizing by single family or duplex and to determine that they be treated differently than a tri-plex. He wasn't sure it made any sense to treat them

separately. Mr. Cook offered that he thought that might be a reasonable focus.

Ms. McRoy noted that the appeal time needs to be reduced. Mr. Fortenberry asked if the entire approach might need to be changed. He reported that he spoke briefly with the Board of Realtors and there were, surprisingly, some positive response for licensing landlords. That way, you'd get out of all of this. A good landlord would be more than willing to do that. Then if someone is a problem, and we've had inspections on problem properties, and in the past, there hasn't been much we have been able to do, but under this concept, we could just yank their license.

Ms. Johnson noted that had been discussed along with the possibility of just having everybody who had rental property register, because one of the problems was dealing with people who could not be reached. There was also the run-around between those who were managing the property and those [owners] who were living in the Bahamas, in trying to get something done. Again, we need to know what we want to accomplish in order to come up with more realistic ways in handling the problems. There is an opportunity for us to be creative here if we can just all agree on what it is we are really doing.

Ms. Harrell noted that there may be some membership on the committee that is still wanting to talk about *why* we're doing *anything*. They believe there is no point in this...why are we bothering? She felt that what staff has been concerned about is that the committee process has bogged down a little bit with merely a "show me some more numbers" mentality. She felt that the City had only so much data and that's it. Staff would like to move beyond that 'turn on the numbers' thing and move on to what we are seeking to achieve. We're seeking to achieve consistency, quality housing, a situation in which tenants can feel confident that if they've gone in and rented a property, that someone other than just the person who stands to make a profit has had some involvement and they can feel reassured about the situation. The tenant fear is part of that; and the fact that some of these people are completely without a clue; some of whom don't even speak English...those are all areas of concern to be addressed. Staff is therefore hoping that we can get beyond the *why* and on to the *how*.

Mr. Cook commented on the registration of landlords. He noted that it seemed like a good idea and, it may still be, but he would like to investigate places that do this to see how effective it is. He felt there might be many problems with it because, even if a license is pulled...then what. What do they do? They have another management company come in; they transfer assets to another name. What if it's a partnership arrangement? Do you pull the license of that person when they're a 50%, 40%, 60% owner? It gets very complicated at that point. There seems to be lots of room for people to just do an end-run around this procedure and find someone else to work through. Mr. Cook commented that he wouldn't want to open up the process to the possibility of abuse, noting that those most likely to have their license pulled are also those who would be most likely to abuse the process.

Mr. Cook had some further questions about the existing staffing needs and how quickly there are responses to complaints now. Is there a problem in getting out into the field when someone does call in to report a problem that the landlord won't fix. What is the current response time? Without knowing that, he can not judge what the staffing needs are in that regard.

Mr. Cook noted that the tenant fear element seems like the one significant reason that we need inspections at all on a regular basis, so we can deal with the tenant fear. Because if the tenants were educated, or not fearful, they would presumably report problems themselves. Mr. Cook expressed concerns about inspecting inside premises because there, you'll have a separate tenant issue...the tenant issue of having a government official coming to your home demanding entrance for an inspection. He stated that this makes him uncomfortable. He felt an inspection would be better at that time of transfer of ownership or at some other specific point rather than to have an interior inspection simply when the tenant is living in a unit and is staying there for some period of time, then we show up with a Building and Safety Inspector.

Mr. Shoecraft noted that he managed 30 buildings. He commented that some are enterprises, some are trusts...some are partnerships. He stated that he is not against the idea of licensing an owner, or partnership; that possibly could work, but regarding Mr. Cook's concern of going into buildings ... Mr. Shoecraft noted that his management corporation did that all the time whether it is for Lincoln Housing Authority, or... His management firm puts in all their agreements that they can go in and inspect the property for various reasons whether for water leaks, or furnace filter changes...any maintenance concerns. And that is it...mainly for preventative maintenance, to save money in the long run.

Mr. Cook noted that Mr. Shoecraft was not a government employee in that circumstance. Mr. Shoecraft felt it was all the same. Ms. Harrell noted that it's still a stranger in the house, whether it's a government official or a management worker.

Ms. Johnson commented that a landlord has a tenants trust. The landlord has a key to a tenants place. But, then if there is a stranger coming in with the landlord...do you want them walking through your home? She did not know. Mr. Shoecraft noted that tenants had a 24-hour notice to set their things in order before the inspection.

Discussion continued with no determination being made.

ANNETTE McRoy - Ms. McRoy reported that she has received many complaints about the change in the New Belmont Bus Route. She stated that the people who live on Independence Drive are concerned that the bus speeds as it goes down their street. They report that nobody gets on it there anyway. There was also a petition by those who now have

no services at all. She noted that she would have to write to StarTran to have them look at that route again. Some folks want it in there neighborhood; some are missing it.

Ms. McRoy had another concern regarding one lady who was upset because she had tried to contact Larry Worth and the secretary had told her that she could not talk to him, but had to put it in writing. Ms. McRoy noted that she hoped that is not a policy that the City has in place. A Director should be available to the public.

Ms. Harrell thought it may have been a case of a constituent having so many different questions that the secretary thought it best to submit them in writing to better answer her concerns.

Mr. Fortenberry noted that the buses, as they run through neighborhoods, are very loud and they seem to speed, but he thought that it might be a matter of perception because of their size and acceleration.

Mr. Harrell commented that, speaking of bus routes in North Lincoln, if anyone receives letters from the Walter Apartments, (and they have sent a lot of letters in the last week) complaining because they said they had built their front entry so a bus could pull through there and then back out onto the street. The bus was *not* doing this, and they *wanted* the bus to do that. Mr. Worth was not sure how many additional riders they might pick up there, but is willing to give it a try.

CINDY JOHNSON - No Further Comments

JERRY SHOECRAFT - No Further Comments

JEFF FORTENBERRY - No Further Comments

COLEEN SENG - Ms. Seng commented that she and Jon Camp were the only two Council members at the Common meeting on Friday morning. There was a presentation made by the land trust (Trust for Public Lands), and she had picked up three of the handouts that were left (which Ms. Seng passed around to the Council members who had not attended the meeting for them to share.) Ms. Seng noted that the director from the group (Cindy Whiteford) was here from Minnesota and made the presentation to the Common.

Ms. Seng noted that County Commissioner Linda Steinman was terribly unhappy that there weren't more Council members in attendance. She had wanted to talk about the junked car ordinance. Mr. Shoecraft responded that when people have to work 8:00 am-5:00 pm, it's tough. He noted that it is difficult when one has to take vacation to attend those meetings. Mr. Cook asked if there was any particular controversy over the junked car ordinance? Ms. Seng was not aware of any controversy. Ms. Johnson noted that a pre-council could have been set up if Council couldn't make it to a Common meeting.

JON CAMP - No Further Comments

ANN HARRELL - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - No Further Comments

VI. REQUESTS OF COUNCIL FROM MAYOR - None

VII. MISCELLANEOUS - None

VIII. MEETING ENDED - Approximately 12:10 p.m.